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SUBJECT: NETHERLANDS ANTILLES SEPARATING, BUT CLOSE COOPERATION AND
TIES TO REMAIN

CURACAO 00001017 001.2 OF 002

11. Summary: Following several years of discussions, referenda and negotiations, the islands of the Netherlands Antilles have officially agreed to cease to exist as a political unit. Both Curacao and St. Maarten will each also have autonomous country status within the Kingdom of the Netherlands. The three smaller islands will have much less autonomy from the Dutch government, governing themselves in a status similar to municipalities in Holland. Although the Antilles will cease to exist, substantial changes are not expected. All countries will still fall under the umbrella of the Dutch Kingdom and cooperation between the different countries will continue albeit in a slightly different format. Overall relations between the island governments of the former Antilles and the U.S. are not expected to be affected as a consequence. End summary.

12. An official, political agreement to dissolve the Netherlands Antilles was reached in marathon negotiations in The Hague on November 2, 2006, between representatives from the Netherlands, Curacao, St. Maarten and the Netherlands Antilles. Curacao and St. Maarten will each become countries in the Kingdom of the Netherlands and will soon draft a phased implementation plan to adopt the new constitutional relationships within the Kingdom. In five years, the parties will evaluate and modify the constitutional structure, if needed. The agreement reached November 2 mentions no exact date when this new political status officially takes effect, but earlier discussions had set as a goal July 1, 2007. (Comment: Most observers feel that date remains very optimistic.) As described by Prime Minister Emily de Jongh-Elhage of the Netherlands Antilles, the islands involved "are separating, but with closer ties and cooperation."

13. The following is a synopsis of the new structures which will be formed and commitments the new countries will undertake. This agreement should not in any way affect our operations at the Forward Operating Location in Curacao.

--Court System. A new judicial organization will be created for Curacao and St. Maarten comprised of one Common Court of Justice for all the Dutch Caribbean islands. However, Curacao and St. Maarten will each have its own Court of First Instance.

-- Public Prosecutors. Curagao and St. Maarten will also each have their own public prosecutor's offices headed by one Attorney General for the former Antillean islands--Curagao, St. Maarten, Saba, St. Eustatius and Bonaire. The Attorney General will answer to the Minister of Justice of Curacao, St. Maarten and the Netherlands. The public prosecutors will be able to work throughout Curagao, St. Maarten and the three smaller islands.

-- Police forces. Curagao and St. Maarten will have their own police forces, but officers will be authorized to work on any of the former Netherlands Antilles islands. Cooperation on prison and immigration matters is expected to remain the same. The Ministers of Justice for Curagao, St. Maarten and the Netherlands will be responsible for transnational crime policy.

-- Treaties and International Obligations. The terms of the agreement call for Curagao and St. Maarten to adopt and comply with all international treaties for which the country of the Netherlands Antilles had requested co-validity with the Netherlands.

-- Monetary Issues. Curagao and St. Maarten will continue to have one Central Bank and common currency.

-- Netherlands Antilles Debt. Curagao and St. Maarten will be relieved of the debt of the former Netherlands Antilles, which will be absorbed by the Kingdom. Details of the debt transfer are to be further worked out.

--- Prison and immigration matters will remain the same and the islands will continue to regulate this among themselves. Prison space in Curagao and St. Maarten will be made available for inmates from each other, as well as from Bonaire, Saba, and St. Eustatius. Curacao, St. Maarten, and the Netherlands will jointly regulate immigration, including guarantees for professionalism, quality, integrity, uniform procedures and registration systems.

CURACAO 00001017 002.2 OF 002

-- The three small islands of Bonaire, St. Eustatius and Saba will receive a political status roughly equivalent to municipalities within the Netherlands.

14. Comment. Constitutional questions have plagued the Dutch Caribbean for decades. Although the dissolution of the Netherlands Antilles would appear that it could complicate relations with the U.S., much of what has been agreed with this new arrangement merely formalizes what had been de facto practice for many years. The issue has been that each island felt it received less from the Netherlands Antilles than what it put in. In particular, St. Maarten will now achieve the degree of political autonomy and recognition that it has fought for, but will be closely watched as it undertakes responsibility for its own governance. Most importantly, with these changes the Dutch Caribbean islands will continue to be stable, with a strong judicial system.
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